

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JOSHUA CHATWIN,

Plaintiff,

vs.

DRAPER CITY; OFFICER J.
PATTERSON, in his
individual and official
capacity; OFFICER DAVID
HARRIS, in his individual
and official capacity;
OFFICER HEATHER BAUGH, in
her individual and
official capacity; and
JOHN DOES 1-10,

Defendants.

Case No. 2:14-cv-00375

Judge Dale A. Kimball

VIDEOTAPED DEPOSITION OF: KIRK TORGENSEN

Taken: June 17, 2016

Reported by: Kelly Sommerville, RPR

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1 For example, that if somebody is
2 intoxicated, somebody is impaired, you've got a whole
3 different set of circumstances to think through on what
4 kind of force you use. So the 2013 policy, for me, was
5 a huge step in the right direction in stating things
6 that an officer has to think about and be aware of.

7 Q. Okay. So you considered the 2013 policy
8 when you rendered your opinion, correct?

9 A. I did look at that.

10 Q. And would you say that that was part of
11 your methodology of coming up with your opinion of --
12 with respect to Draper City's policy?

13 A. No, I don't think so. I looked at it, and
14 I put in my report that it is an example of a policy
15 that at least does a good job of attempting to do the
16 very things that I think a policy should do.

17 Q. Not only did you put it in your report, but
18 you also put it in your rebuttal report, correct?

19 A. Correct. It was as -- it was a rebuttal to
20 your expert witness talking about the fact that he was
21 involved in this change that occurred in 2013. And I
22 said yes, I think that was a step in the right
23 direction.

24 Q. Okay. And so you relied upon that 2013
25 policy when you were making your decision or stating

1 your opinion regarding the 2010 policy?

2 A. I don't think I relied on it. What I
3 looked at was the policy that was in place in 2010, and
4 looked and said this is lack -- this is completely
5 lacking. It has absolutely no substance. I mean, I've
6 looked at over time many use of force policies that do
7 the very thing I've talked about and state much more
8 specifically what an officer has to be aware of, be
9 concerned about. And the 2013 policy at least was an
10 example of something that I thought was an improvement.
11 I don't -- I didn't need it to rely upon my opinion
12 that the 2010 was lacking.

13 Q. Did you compare that 2010 policy with any
14 other policies in place in the nation at that point in
15 time?

16 A. Just through my many years of experience of
17 having looked at them and taught them, and I didn't
18 specifically pull up other, you know, other states or
19 anything like that. But I've looked at many, many over
20 the years.

21 Q. So you didn't pull up any examples of
22 policies that were in place regarding use of force
23 anywhere else in the nation in 2010, correct?

24 A. Just based on my experience of what I've
25 done through my career is -- was the basis of what I